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By: **Delegates Moe, Frush, and Menes**  
Introduced and read first time: February 26, 2003  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Facilities - Special Election**

3 FOR the purpose of requiring that, before an owner of a video lottery facility offers  
4 video lottery terminals for public use, the owner request the governing body of  
5 the county in which the video lottery facility is to be located to hold a special  
6 election; providing for the payment of a certain cost; imposing certain  
7 requirements on the board of supervisors of elections of the county and the  
8 county governing body; requiring the county governing body to adopt certain  
9 regulations; providing for certain procedures to be followed in holding the  
10 special election; specifying the consequences of certain outcomes of the special  
11 election; providing that the special election requirement is in addition to and  
12 does not supplant certain other requirements; providing that this Act does not  
13 apply to certain slot machines; defining a certain term; making this Act an  
14 emergency measure; and generally relating to special elections for video lottery  
15 facilities.

16 BY adding to  
17 Article - Criminal Law  
18 Section 12-401 to be under the new subtitle "Subtitle 4. Video Lottery  
19 Terminals"  
20 Annotated Code of Maryland  
21 (2002 Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Criminal Law**

25 **SUBTITLE 4. VIDEO LOTTERY TERMINALS.**

26 12-401.

27 (A) IN THIS SUBTITLE, "VIDEO LOTTERY TERMINAL" MEANS AN ELECTRONIC  
28 CONTRIVANCE, MACHINE, OR OTHER DEVICE THAT, BY THE INSERTION OF AN  
29 OBJECT SUCH AS A COIN OR TOKEN OR ON PAYMENT OF OTHER CONSIDERATION,

1 ENTITLES THE PLAYER WHO OPERATES THE DEVICE, WHETHER BY SKILL OR  
2 CHANCE, TO RECEIVE:

3 (1) TOKENS; OR

4 (2) ANYTHING OF VALUE, INCLUDING CASH, PREMIUMS, AND  
5 MERCHANDISE.

6 (B) THIS SUBTITLE DOES NOT APPLY TO SLOT MACHINES ALLOWED UNDER §§  
7 12-304 THROUGH 12-306 OF THIS TITLE.

8 (C) (1) BEFORE AN OWNER OF A VIDEO LOTTERY FACILITY MAY OFFER  
9 VIDEO LOTTERY TERMINALS FOR PUBLIC USE, THE OWNER SHALL REQUEST THE  
10 GOVERNING BODY OF THE COUNTY IN WHICH THE VIDEO LOTTERY FACILITY IS TO  
11 BE LOCATED TO HOLD A SPECIAL ELECTION.

12 (2) THE COST OF THE SPECIAL ELECTION IS TO BE PAID BY THE COUNTY.

13 (3) THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY AND  
14 THE COUNTY GOVERNING BODY SHALL DO THOSE THINGS NECESSARY AND PROPER  
15 TO PROVIDE FOR AND HOLD THE SPECIAL ELECTION.

16 (4) THE COUNTY GOVERNING BODY SHALL ADOPT REGULATIONS TO  
17 CARRY OUT THIS SUBSECTION.

18 (D) (1) THE BOARD OF SUPERVISORS AND THE COUNTY GOVERNING BODY  
19 SHALL PLACE ON THE BALLOT AT THE SPECIAL ELECTION THE TITLE  
20 "ESTABLISHMENT AND LOCATION OF VIDEO LOTTERY FACILITY IN THE COUNTY"  
21 AND UNDERNEATH THE TITLE, ON SEPARATE LINES, OPTIONS FOR THE VOTER TO  
22 SELECT "FOR THE VIDEO LOTTERY FACILITY" OR "AGAINST THE VIDEO LOTTERY  
23 FACILITY".

24 (2) BEFORE THE SPECIAL ELECTION, THE BOARD OF SUPERVISORS OF  
25 ELECTIONS OF THE COUNTY SHALL PUBLISH IN AT LEAST TWO NEWSPAPERS OF  
26 GENERAL CIRCULATION IN THE COUNTY, AT LEAST ONCE A WEEK FOR 3  
27 CONSECUTIVE WEEKS, NOTICE OF THE REFERENDUM AND A COPY OF THE  
28 RESOLUTION ADOPTED BY THE COUNTY GOVERNING BODY.

29 (E) IF THE MAJORITY OF THE VOTERS VOTING ON THE RESOLUTION VOTE  
30 FOR THE VIDEO LOTTERY FACILITY, THE OWNER OF THE VIDEO LOTTERY FACILITY  
31 SHALL BE CONSIDERED ELIGIBLE TO BE GRANTED PERMISSION TO OFFER VIDEO  
32 LOTTERY TERMINALS FOR PUBLIC USE IN THAT COUNTY.

33 (F) IF THE MAJORITY OF THE VOTERS VOTE AGAINST THE VIDEO LOTTERY  
34 FACILITY, THEN THE OWNER OF THE VIDEO LOTTERY FACILITY MAY NOT BE  
35 GRANTED PERMISSION TO OFFER A VIDEO LOTTERY TERMINAL FOR PUBLIC USE IN  
36 THAT COUNTY.

1 (G) THE ELECTION REQUIREMENT UNDER THIS SECTION IS IN ADDITION TO  
2 AND DOES NOT SUPPLANT ANY OTHER REQUIREMENT UNDER LAW THAT A PERSON  
3 WHO SEEKS TO OFFER VIDEO LOTTERY TERMINALS FOR PUBLIC USE MUST MEET.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
5 measure, is necessary for the immediate preservation of the public health or safety,  
6 has been passed by a ye and nay vote supported by three-fifths of all the members  
7 elected to each of the two Houses of the General Assembly, and shall take effect from  
8 the date it is enacted.